

Tacoma, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Moon Winks Brand Water Pack R. S. P. Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per each 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30128. Misbranding of canned peas. U. S. v. 750 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 43024. Sample No. 14622-D.)**

This product fell below the standard established by this Department because the peas were not immature, and it was not labeled to indicate that it was substandard.

On July 9, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 750 cases of canned peas at Charlestown, Mass.; alleging that the article had been shipped in interstate commerce on or about March 29, 1938, from Baltimore, Md., by A. W. Sisk & Son; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sky Chief Brand Early June Peas \* \* \* packed by Lineboro Canning Company, Inc. Lineboro, Md."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On September 19, 1938, the Lineboro Canning Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30129. Adulteration of crab meat. U. S. v. One Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. No. 43796. Sample No. 34084-D.)**

This product contained evidence of the presence of filth.

On August 26, 1938, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about August 23, 1938, by F. H. Ayers & Son from Portsmouth, Va.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 9, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30130. Adulteration of apples. U. S. v. 72 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 44606. Sample No. 46078-D.)**

This product was contaminated with arsenic and lead.

On November 17, 1938, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bushels of apples at Evansville, Ind.; alleging that the article had been shipped in interstate commerce on or about November 9, 1938, from Lawrence, Mich., by Richard Trice to himself at Evansville, Ind.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part: "C S Hammond Lawrence Mich Cleaned Apples Delicious."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On January 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30131. Adulteration of canned cherries. U. S. v. Western Oregon Packing Corporation. Plea of guilty. Fine, \$300. (F. & D. No. 42620. Sample No. 15062-D.)**

This product was in part decomposed.

On November 26, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Oregon Packing Corporation, Corvallis, Oreg., alleging shipment by said company in violation of the Food and Drugs Act on or about July 23, 1938, from the State of Oregon into the State of New York of a quantity of canned cherries that were adulterated. The article was labeled in part: "Mountainview Royal Anne Cherries."

Adulteration was alleged in that the article consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 15, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$300.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30132. Adulteration of candy. U. S. v. 12 Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 44037. Sample No. 35656-D.)**

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On September 30, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cartons of candy at Boston, Mass.; alleging that the article had been shipped on or about January 19, 1937, by Peter Paul, Inc., from Naugatuck, Conn.; and charging adulteration in violation of the Food and Drugs Act. It was labeled in part, "Peter Paul's Chocolate Mints."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30133. Adulteration of crab meat. U. S. v. Irving H. Crocheron (Crocheron Bros. Packing Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 42629. Sample Nos. 34036-D, 34151-D, 34152-D.)**

This product contained evidence of the presence of filth.

On November 30, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Irving H. Crocheron, trading as Crocheron Bros. Packing Co., Crocheron, Md., alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about July 7, 1938, to on or about July 28, 1938, from the State of Maryland into the State of Pennsylvania, of quantities of crab meat that was adulterated.

Adulteration was alleged in that the article consisted in whole or in part of a filthy animal substance, namely, filthy crab meat.

On January 20, 1939, the defendant entered a plea of guilty and the court imposed a fine of \$100 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**30134. Adulteration of crab meat. U. S. v. William H. T. Coulbourne and Frederick S. Jewett (Coulbourne & Jewett). Pleas of guilty. Fine, \$100. (F. & D. No. 42610. Sample Nos. 34129-D, 34137-D.)**

This product contained evidence of the presence of filth.

On November 30, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William H. T. Coulbourne and Frederick S. Jewett, copartners, trading as Coulbourne & Jewett, St. Michaels, Md., alleg-